

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES ANTHONY,	:	Case No. 3:21-cv-106
	:	
Plaintiff,	:	Magistrate Judge Sharon L. Ovington
	:	(by full consent of the parties)
vs.	:	
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

ORDER OF DISMISSAL

This social security case is presently before the Court on the Commissioner's Motion to Dismiss and Plaintiff's Motion to Voluntarily Dismiss. (Doc. No. 8, 9). On April 2, 2021, Plaintiff filed a Complaint in this Court seeking to appeal a decision of the Commissioner of the Social Security Administration under the Social Security Act. (Doc. No. 2). In response, the Commissioner filed its Motion to Dismiss for lack of jurisdiction due to Plaintiff's failure to exhaust administrative remedies. (Doc. No. 8). Plaintiff subsequently filed his Motion requesting that this Court voluntarily dismiss this case because he inadvertently filed his Complaint prematurely. (Doc. No. 9).

For good cause shown, Plaintiff's Motion to Voluntarily Dismiss is **GRANTED**, and this case is hereby **DISMISSED** without prejudice. Accordingly, the Commissioner's Motion to Dismiss is **DENIED AS MOOT**.

IT IS SO ORDERED.

July 21, 2021

s/Sharon L. Ovington

Sharon L. Ovington

United States Magistrate Judge